



JTPA

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Serving the People of California

DIRECTIVE

Date: March 31, 1997

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TO: SERVICE DELIVERY AREA ADMINISTRATORS
PRIVATE INDUSTRY COUNCIL CHAIRPERSONS
JTPD PROGRAM OPERATORS
EDD JOB SERVICE OFFICE MANAGERS
JTPD STAFF

SUBJECT: 90-DAY PERIOD OF INACTIVE STATUS UNDER JTPA

EXECUTIVE SUMMARY

Purpose:

The purpose of this Directive is to transmit revised Department of Labor (DOL) policy and instructions on reporting participant terminations from Titles II-A, II-C, and Title III of the Job Training Partnership Act (JTPA). The revised DOL policy and Standardized Program Information Report (SPIR) changes are contained in Training and Employment Information Notice (TEIN) 5-93, Change 2. A copy of the TEIN is attached.

Scope:

The 90-day period of inactive status applies to programs under Titles II-A, II-C, and III.

Effective date:

As allowed by TEIN 5-93, Change 2, the effective date of this Directive is July 1, 1996.

REFERENCES:

The DOL TEIN 5-93, Change 2

STATE-IMPOSED REQUIREMENTS:

This Directive contains no state-imposed requirements.

FILING INSTRUCTIONS:

This Directive supersedes JTPA Directive D95-3 dated July 20, 1995. Retain this Directive until further notice.

BACKGROUND:

As stated in TEIN 5-93, Change 2, JTPA policy requires the termination of participants within a reasonable time after they stop receiving training or services in order to preclude Service Delivery Areas/Substate Areas (SDA/SSA) from retaining indefinitely participants who are unsuccessful. Without such policy, performance standards create strong incentives for programs to avoid terminating failures even when such individuals no longer have any contact with the program.

Until now, requirements regarding the allowable time periods after last receipt of services differed for Titles II-A/C and Title III. For Title II-A/C, only one 90-day period was permitted, which started after the completion of planned employment and training. Any non-training JTPA services received after the last receipt of training were included within the 90-day period. In addition, participants who received only services and no training as part of their JTPA participation were required to be terminated no later than 30 days after the last receipt of services. For Title III, the 90-day period starts after the completion of all planned employment, training or services.

As stated in TEIN 5-93, Change 2, DOL recognized that the differing requirements may in some cases have hindered programs' responsiveness to customer needs and may have hindered some programs' flexibility in coordinating services with other programs included under the emerging workforce development/one-stop delivery systems. Therefore, DOL recently implemented a consistent policy on this issue for both Titles II-A/C and III.

POLICY AND PROCEDURES:

Participants in Titles II-A/C and Title III may remain in the program for up to 90-days of inactive status after last receiving planned training, employment or services, as documented on the Individual Service Strategy (ISS) or Individual Readjustment Plan (IRP). To keep a participant actively enrolled in the program, the individual must be receiving frequent and substantial services.

For Titles II-A/C, substantial services are defined as those authorized in Section 204(b) of the Act. For Title III, substantial services are defined as those authorized in Sections 314(c) and (d), and also certain services prior to layoff or termination from employment authorized in Section 314(h). For all programs, frequent is defined as occurring at least every 90 days.

In either Title II-A/C or Title III, a participant may be placed in an additional 90-day period of inactive status if, before the expiration of the prior 90-day period, there was an assessed need for additional substantial services, as documented on the ISS/IRP, and enrollment in such services. However, there is no entitlement to such additional services or inactive periods. Furthermore, SDAs and their service providers should ensure that the flexibility allowed by the revised SPIR instructions is applied judiciously. Refer to Appendix C of the attached DOL TEIN for further guidance.

Holding Status:

Participants should be placed in “holding” status instead of inactive status when an interruption in participation is necessary to accommodate a bona-fide participant need such as illness or family emergency or to accommodate unavoidable program scheduling constraints such as school semester breaks, classroom size limitations, etc. In all cases where holding status is used, SDAs are responsible for maintaining adequate documentation and support for their determination that the period of holding is reasonable and necessary and that such action is consistent with the participant’s ISS/IRP. If such documentation is not present in the participant’s ISS/IRP, the 90-day inactive status policy applies. In these instances, the participant must be terminated no later than the 91st calendar day after last receipt of services.

The table below illustrates when holding status may be applied. The term “services” as used in the table means any planned training, employment or services documented on the ISS/IRP.

HOLDING STATUS

1. Participant’s Situation	2. Participant’s Need and SDA Action	3. Holding Status	4. Duration of Holding Status
(a) If participant receives services	and further needs are identified and the participant’s ISS/IRP is amended prior to last receipt of the initially planned services,	the participant should be put into a holding status (instead of inactive status)	until the beginning of the next services.
(b) If participant, following determination of eligibility, receives Objective Assessment only,	and participation in the first planned services cannot begin due to program scheduling constraints (e.g., school semester break, unavailability of appropriate On-the-Job Training (OJT) slot, etc.), such information is documented in the participant’s ISS/IRP,	the participant should be put into a holding status (instead of inactive status)	until the beginning of the planned services.
(c) If participant is receiving services	and an interruption in services is necessary to accommodate a bona-fide participant need such as illness or family emergency, and appropriate documentation is provided in the ISS/IRP to support the need as well as expectation that the participant will be able to successfully complete the services upon return,	the participant should be put into a holding status (instead of inactive status)	until the services can be resumed.

Participation in Non-JTPA Funded Activity

The 90-day clock is not affected by the funding source of the planned services, i.e., if the services are part of the ISS/IRP and are being provided by a non-JTPA funded source, the clock starts after the conclusion of the non-JTPA funded services.

ACTION:

Bring this Directive to the attention of all appropriate staff and service providers.

INQUIRIES:

If you have any questions about the information contained in this Directive, please contact your Program Manager, or Georganne Pintar, Manager of the Policy Unit at (916) 654-7611.

/S/ BILL BURKE
Acting Chief

Attachment is not available online. To obtain a copy e-mail JTPD at **JTPDLIB@EDD.CA.GOV** or contact Jim Scholl at (916) 657-4610.

1. U.S. Department of Labor, Employment and Training Administration
Training and Employment Information Notice No. 5-93, Change 2
JTPA Standardized Program Information Report (SPIR)
Instruction Modification for Item 33, "Date of Termination"